

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 2. This sheet, which includes Figure 2, replaces the original sheet including Figure 2. In Figure 2, the previously omitted label for the blower (element 44) has been added in the upper right corner of the drawing.

Attachment: Replacement Sheet

REMARKS

Claims 1-7, 9-13, 15-17, and 19-25 are pending after entry of this paper. Claims 1-22 have been rejected. Claims 8, 14, and 18 have been cancelled without prejudice.

Applicants reserve the right to pursue cancelled claims in a continuing application.

Claims 1, 4-7, 11-13, 15-17, and 19-22 have been amended. Claims 23-25 have been newly added. Support may be found throughout the instant specification, for example, in the claims and drawings as originally filed.

No new matter has been introduced by these amendments. Reconsideration and withdrawal of the pending rejections in view of the above claim amendments and below remarks are respectfully requested.

June 22, 2005 Information Disclosure Statement

The Examiner has alleged that the Information Disclosure Statement (IDS) filed on June 22, 2005 fails to comply with 37 C.F.R. §1.98(a)(2) which requires a copy of each cited non-patent literature publication (page 2 of the Office Action). The Examiner alleges that no copy was filed for the July 23, 2003 abstract. Applicants respectfully disagree. Applicants mistakenly attached the cited abstract to the end of the copy of German Patent No. DE 196 09 284 submitted on June 22, 2005. Accordingly, applicants respectfully request formal consideration of this abstract on the record. Applicants apologize for any inconvenience.

Response to the Objections to the Drawings

The Examiner has objected to the drawings for failure to include a reference to element 44 in Figure 2. Applicants submit herewith a corrected drawing in accordance with 37 C.F.R. §1.121(d). Applicants respectfully request acceptance of the corrected drawing by the Examiner.

Response to Rejections under 35 U.S.C. §112

Claims 1-22 have been rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite.

Regarding claim 1, the Examiner has specifically noted the terms “preferably” and “at least partly surrounded.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 1 to delete these terms.

Regarding claim 6, the Examiner has specifically noted the terms “for example” and “in particular.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 6 to delete these terms.

Regarding claim 7, the Examiner has specifically noted the term “possibly with.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 7 to delete the term “possibly.”

Regarding claim 11, the Examiner has specifically noted the term “and/or.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 11 to delete this term and instead recite “and.”

Regarding claim 12, the Examiner has specifically noted the terms “and/or,” “in particular,” and “the product.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 12 to delete the terms “and/or” and “in particular.” Applicants have also amended claim 12 to recite “solids” instead of “product.”

Regarding claim 13, the Examiner has specifically noted the terms “in particular” and “the product.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 13 to delete the term “in particular.” Applicants have also amended claim 12 to recite “solids” instead of “product.”

Regarding claim 14, the Examiner has specifically noted the terms “and/or” and “the gas heated in a cooling stage.” In view of the cancellation of claim 14, applicants submit that this rejection is moot.

Regarding claim 15, the Examiner has specifically noted the term “at least partly surrounded.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 15 to delete this term.

Regarding claim 16, the Examiner has specifically noted the terms “substantially vertically” and “at least partly surrounded.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 16 to delete these terms.

Regarding claim 17, the Examiner has specifically noted the term “the gas supply tube.” Applicants have amended claim 17 to recite “wherein the gas supply system has a gas supply tube.”

Regarding claim 18, the Examiner has specifically noted the term “and/or.” In view of the cancellation of claim 18, applicants submit that this rejection is moot.

Regarding claim 21, the Examiner has specifically noted the terms “and/or” and “the gas supply tube.” Solely for the purpose of furthering prosecution, applicants have amended claim 21 to recite “or” and “a gas supply tube,” respectively.

Regarding claim 22, the Examiner has specifically noted the terms “and/or,” and “in particular.” Solely for the purpose of furthering prosecution of this application, applicants have amended claim 12 to recite “and” instead of “and/or” and to delete the term “in particular.”

Applicants submit that the instant claims are in full compliance with the requirements of 35 U.S.C. §112, second paragraph, and respectfully request withdrawal of the rejections.

Response to Rejections under 35 U.S.C. §§102 and 103 over Orth (US 2007/0137435)

Claims 1-11 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2007/0137435 to Orth et al. (“Orth”). Claims 12-14 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Orth in view of U.S. Patent No. 6,015,539 to Schmidt et al. (“Schmidt”).

The critical date of Orth is the international filing date, December 1, 2003. The instant application claims priority under 35 U.S.C. §119(a) to German Patent Application No. DE 10260741.9, filed December 23, 2002. The Examiner acknowledged receipt of certified copies of the priority document on the Office Action Summary issued with the December 27, 2007 Office Action. In order to perfect the foreign priority claim, applicants submit herewith a translation of the certified foreign priority document (German Patent Application No. DE

10260741.9, filed December 23, 2002). Applicants assert that the instant claims are fully supported by German Patent Application No. DE 10260741.9.

Accordingly, applicants believe that Orth is not available as prior art under any subsection of 35 U.S.C. §102 against the instant application, and respectfully request withdrawal of the rejections under 35 U.S.C. §§102 and 103 over Orth, alone or in combination.

Claims 1-14 are thus free of prior art rejections.

Response to Rejections under 35 U.S.C. §§102 and 103 over Hiltunen (USPN 5,505,907)

Claims 15-18 and 20 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,505,907 to Hiltunen et al. (“Hiltunen”). Claim 21 has been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Hiltunen in view of U.S. Patent No. 3,884,620 to Rammler (“Rammler”). Claims 19 and 22 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Hiltunen in view of U.S. Patent No. 3,995,987 to MacAskill (“MacAskill”).

Applicants have amended claim 15 to incorporate an element of claim 18, now cancelled. Specifically, applicants have amended claim 15 to recite “the plant further comprising a separator downstream of the reactor and a solids conduit leading from the separator to the fluidized bed of the reactor.” Accordingly, applicants response is directed to the Examiner’s rejection of claim 18.

In regard to claim 18, the Examiner contends that Hiltunen teaches a plant as in claim 15 “wherein a separator (28) is provided downstream of the reactor...and that the separator

has a solids conduit (36) leading to the annular fluidized bed of the reactor (12).” Applicants respectfully disagree with the Examiner’s contention.

Hiltunen is directed to an apparatus for cooling a hot gas in which the hot gas is introduced into the lower section of the apparatus through a supply tube (16) that is surrounded by a bubbling fluidized bed of solid particles (14). In the upper section of the reactor (10), the cooled gas is separated from the solid particles with the cool gas exiting the reactor (30) and the solid particles returning to the fluidized bed via a return duct (36).

The Examiner contends that Hiltunen discloses a separator (28) downstream of the reactor. In contrast, Hiltunen clearly and expressly teaches that the separator (28) is a structural feature of the reactor (10), stating:

cooled gas containing solid particles is conveyed through the riser...and introduced into the upper section of the reactor, where the solid particles are separated from the gas in a particle separator (col. 2, lines 33-38; *see also* col. 4, lines 45-53).

Thus, Hiltunen is absolutely clear that the solid particles from the fluidized bed never leave the disclosed apparatus (reactor 10), and instead are separated from the gas and returned to the fluidized bed within the reactor. In contrast, instant claim 15 requires that the plant include “a separator downstream of the reactor and a solids conduit leading from the separator to the annular fluidized bed of the reactor.” For the above reason, applicants respectfully submit that instant claim 15 is not anticipated by Hiltunen.

Furthermore, applicants respectfully submit that modifying Hiltunen to include “a separator downstream of the reactor and a solids conduit leading from the separator to the annular fluidized bed of the reactor” is contrary to the teachings of Hiltunen. Specifically, Hiltunen is directed to an apparatus for the treatment of gas, in which the solid particles of the

fluidized bed remain in the reactor, while only purified and cooled gases leave the reactor (*see e.g.*, col. 4, lines 45-53). Thus, modifying Hiltunen to include an external separator would be illogical.

Accordingly, regardless of the disclosure of Rammler and MacAskill, applicants assert that the invention as claimed in instant claim 15 is neither anticipated by nor obvious over the combined art of record.

Dependent Claims

The applicants have not independently addressed all of the rejections of the dependent claims. The applicants submit that for at least similar reasons as to why independent claims 1 and 15 from which the dependent claims 2-7, 9-13, 16-17, and 19-25 depend are believed allowable as discussed above, the dependent claims are also allowable. Applicants however, reserve the right to address any individual rejections of the dependent claims and present independent bases for allowance for the dependent claims should such be necessary or appropriate.

Thus, applicants respectfully submit that the invention as recited in the claims as presented herein is allowable over the art of record, and respectfully request that the respective rejections be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. Favorable action by the Examiner is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4791-4011.

Applicants have petitioned for a one-month extension of time. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4791-4011.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 24, 2008

By: /Andrew D. Cohen/
Andrew D. Cohen
Registration No. 61,508

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile